

**Regular Meeting  
Board of Zoning Appeals  
February 4, 2009**

Vice Chairman Bob Wright called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Brad Schnarr took roll call as follows:

Chairman Jerry Uebelhor	-Absent	Randy Mehringer	-Present
Vice Chairman Bob Wright	-Present	Bob Cook	-Present
Secretary Brad Schnarr	-Present	Bldg. Comm. Dave Seger	-Present
Daniel Beckman	-Present	Atty. Sandy Hemmerlein	-Present

**PLEDGE OF ALLEGIANCE**

Vice Chairman Wright led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

Minutes of the January 7, 2009 Regular Meeting were reviewed. Secretary Schnarr made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

**STATEMENT**

Vice Chairman Wright read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

**NEW BUSINESS**

Petition of Messmer Mechanical, Inc., for a variance to operate a storage warehouse in a B-1 zone.

Surveyor Ken Brosmer was present on behalf of Messmer Mechanical, Inc. to request that the public hearing be tabled until the March meeting.

Bob Cook made a motion to table the public hearing until the March meeting. Secretary Brad Schnarr seconded it. Motion carried 5-0.

Petition of Donald E. and Beverly S. Streicher for a variance to place a third accessory building on a residential lot.

Surveyor Ken Brosmer was present on behalf of Don Streicher requesting to table the public hearing and schedule a special meeting.

Bob Cook made a motion to schedule a special meeting on Tuesday, February 17, 2009 at 1:00 pm. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Laura Pommier for a variance to build within six inches of the side yard and six inches of the rear yard.

Laura Pommier was present to request a variance to construct a garage on her property located at 612 McCrillus Street. There was a side garage attached to the house which was damaged beyond repair in a storm last year. Plans are to build another building large enough for Ms. Pommier to fit her car into. Because of the size needed, Ms. Pommier is requesting that the garage be six inches from the side yard and six inches from the rear yard. Ms. Pommier displayed a drawing of where she plans to place the proposed garage, measuring 11 ft. x 22 ft.

Attorney Sandy Hemmerlein read a letter from Attorney Bill Kaiser, on behalf of Dubois County Community Foundation (DCCF), an adjacent property owner. The letter stated opposition of the garage, mostly due to the close proximity of the property line, which could arise in trespassing and that it would devalue DCCF's property.

Attorney Sandy Hemmerlein pointed out the statement Ms. Pommier mentioned on the findings of fact sheet that 'any disruption of property outside her lot which presently consists of flat ground, gravel or grass will be returned to prior condition or better'. Attorney Hemmerlein expressed to Ms. Pommier that if any owners outside her lot do not want her on their lot (which was stated in the letter) that would be a trespass. Attorney Hemmerlein advised Ms. Pommier not to take on this project with the idea that it would be okay to trespass on any adjacent owner's property without their permission.

The Board was in agreement that six inches was too close to the rear property line. After much discussion, Ms. Pommier said she would be willing to compensate her request in order to move forward with her project. It was then suggested by Secretary Schnarr to allow no closer than four feet of the rear yard. In order for Ms. Pommier to accommodate, she would have to move her garage four feet forward.

Scott Corn, contractor, said four feet would make it difficult to pull a car into the garage. He suggested 2 ft. 6 in. off the back lot, which he feels would leave enough room to stay on the property and allow enough space to pull a vehicle into the garage.

After hearing Mr. Corn's suggestion, Board members were still in agreement that any measurement less than four feet would be too close to the property line.

With no remonstrators present, Secretary Schnarr made a motion to close public hearing. Randy Mehringer seconded it. Motion carried 5-0.

Secretary Schnarr made a motion to grant a variance to build within six inches of the side yard and four feet of the rear yard at 612 McCrillus Street. Bob Cook seconded it. Motion carried 5-0.

Petition of Connie Thewes for a variance to allow four apartments in an R-3 (Residential) zone.

Connie Thewes was present to request a variance to allow four apartments in an R-3 zone. Ms. Thewes plans to change the house at 1539 Jackson Street into four

efficiency apartments. The apartments would be rented out on a six-month lease; utilities included. There would be one apartment upstairs, two on the main floor and one in the basement. Each apartment would include a bedroom, living room, bathroom and kitchenette.

Parking issues were thoroughly discussed. Building Commissioner Dave Seger explained to Ms. Thewes that according to the Ordinance, the off-street parking requirement is 2 parking spaces per unit. The Board voiced its concern that there already is very limited parking on Jackson Street.

Several neighbors appeared at the meeting in opposition of the public hearing. Their concerns included parking issues, suspected drug activity at 1340 Jackson Street (one of Ms. Thewes' rental properties), and the safety of the children in the neighborhood due to Ms. Thewes' type of clientele. Those who spoke before the Board regarding these concerns were: Ruth Stallman, Janice Burger, Kelly Lechner, Joe Huddleston, Deb Capps, Marcy Bessie, Ralph Humbert, Patricia Pace and Nona Capps.

Much discussion followed. Board members reiterated mostly about the parking issues. With no more remonstrators, Secretary Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to deny a variance to allow four apartments in an R-3 zone, due to insufficient off-street parking. Randy Mehringer seconded it. Motion carried 5-0.

Petition of McDonald's Corporation, Lessee: TE Kramer, Inc., for a variance from the general regulations of Section 16.03.060.3b to allow a free standing sign to exceed eighty (80) square feet in area and to exceed the maximum height of thirty-five (35) feet.

Nathan Waggner, of Cash Waggner & Associates, Inc, was present on behalf of Ryan Kramer, owner of McDonald's located at 450 US 231 South. Mr. Kramer was also present.

Mr. Kramer is requesting a variance to replace a free-standing sign damaged in a wind storm. The existing sign was originally erected in 1977, before the current sign ordinance was in effect. The ordinance allows an exact replacement for a weather damaged sign; however, a variance is needed since the new sign is different in size.

According to Mr. Kramer, McDonald's was no longer able to acquire a sign of the same size, so a smaller size was chosen. A drawing of the proposed sign was displayed. Mr. Kramer is requesting that the sign measure approximately 20 ft. by 15.5 ft. and 51 ft. in height.

Bob Cook made a motion to close the public hearing. Secretary Schnarr seconded it. Motion carried 5-0.

Secretary Schnarr made a motion to grant a variance regarding the square footage of the sign at 450 US 231 South as per the drawing submitted at tonight's hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to allow a free-standing sign at 450 US 231 South, not to exceed 51 feet in height. Secretary Schnarr seconded it. Motion carried 5-0.

With no further discussion, Bob Cook made a motion to adjourn the meeting. It was seconded by Randy Mehringer. The motion carried 5-0, and the meeting was adjourned at 8:03 p.m.

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Jerry Uebelhor, Chairman

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Brad Schnarr, Secretary

Kathy M. Pfister, Recording Secretary